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### Remarks

The present response is to the Office Action mailed the above-referenced case on June 08, 2005. Claims 1-13 are presented for examination. The Examiner has objected to the disclosure, and claims 1, 6 and 11 due to informalities. Claims 1 and 9-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Permuy (Pub. US 2003/168424), hereinafter Permuy. Claims 1-5 and 7-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Haigh (456,257), hereinafter Haigh. Claims 1-4, 6, 7 and 9-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ljungberg (2,062,519), hereinafter Ljungberg, in view of Condon (5,307,841), hereinafter Condon, or Turnwald (6,607,087), hereinafter Turnwald.

Applicant has carefully studied the references provided by the Examiner, and the Examiner's objections, rejections and statements of the instant Office Action. Responding to the Examiner's objections to the specification and claims due to informalities, applicant herein provides appropriate amendment to the specification and claims to overcome the objections.

In response to the Examiner's merit rejections of applicant's claims, applicant herein amends the language of the independent claims to more particularly point out and distinctly claim the subject matter of applicant's invention believed to be patentable. Applicant further amends several of the depending claims to agree in language with the independent claims as amended. Applicant further provides argument to more particularly point out to the Examiner the subject matter of applicant's invention regarded as patentable, as is now more clearly recited in the claims, and which the Examiner appears to misunderstand in his rejections and statements.

Applicant's claim 1 is amended to specifically recite that the elastic enclosure is fitted over a portion of the screw stem body including the tapered head of the screw stem body, characterized in that the screw stem body, including the tapered head portion, travels within the elastic enclosure through the retention housing, which causes deformation of the elastic enclosure, thereby sealing the opening of the vessel. The new

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language also limits claim 1 to having an elastic enclosure the separates the screw stem body from any contents of the vessel to be sealed. Claim 9 is applicant's method claim for practicing applicant's invention in accordance with the limitations of claim 1.

Applicant accordingly amends the language of claim 9 similarly to claim 1.

Regarding claim 1, the Examiner has stated that Permuy discloses, in figure 2, applicant's stopper assembly comprising a screw stem body (12) having a tapered end (10), an elastic jacket (2), a retention housing (3) fitted over the body and jacket, and turning nut (6) attached to the retention housing and threaded to the body.

The Examiner has further stated, regarding claim 1, that the reference of Haigh discloses, in figure 1, applicant's stopper assembly comprising a screw stem body (C) having a tapered end (c), an elastic jacket (B) having a flared end, a retention housing (A) fitted over the body and jacket, the retention housing having a key held in a key opening on the housing to prevent rotation of the housing about the body, the stopnut (e') and a turning nut (D) attached to the retention housing and the body; and wherein the retention housing includes a retention cap (A) and a gripping cup (a, figure 5).

However, applicant must respectfully point out to the Examiner that neither reference teaches an elastic enclosure fitted over the screw stem body, including the tapered head portion, such that the screw stem body is separated from any vessel contents, as is now specifically recited in applicant's claim. For example, referring now to the reference of Permuy, specifically figure 2, the conical head portion (10) in the relaxed position as shown in the figure is not encased by the elastic jacket, as in applicant's invention; rather, the conical end portion is positioned at the end of the cylindrical bushing (2), or elastic enclosure, and when the user rotates the threaded apparatus (6) into which the threaded portion (12) of the conical head is threaded, the conical head portion travels towards, and abuts up against the elastic jacket, and flanges the bottom portion of the elastic jacket outwardly against the inner surface of the opening of the bottle (1) to create the seal.

Now referring to the reference of Haigh, specifically with reference to figures 1 and 2, the mechanics of the apparatus are similar to that of Permuy, in that the tapered

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end portion (c) is also positioned at the end of the elastic enclosure in the rested position, not within the elastic enclosure, as in applicant's invention, and also abuts up against the lower portion of the elastic enclosure (B) when the turning knob (d) is rotated. The difference in the invention of Haigh however, is that the action of rotating the turning knob, and the subsequent urging of the conical head portion against the cylindrical bushing (B) causes deformation of the elastic substance (A) thereby forming the seal.

Applicant urges however that both references Permuy and Haigh teach that the conical head portion is not contained within and does not travel within an elastic enclosure, staying separated from vessel contents, as in applicant's invention. Neither reference teaches that the elastic enclosure is fitted over a portion of the screw stem body including the tapered head portion, nor does turning the nut cause travel of the screw stem body within the elastic enclosure through a retention housing, as is now specifically recited in applicant's claims.

Applicant now wishes to direct the Examiner's attention to applicant's specification, specifically with reference to figure 2A, which illustrates an elevation view of a screw stem of a stopper assembly according to an embodiment of the invention. In this example, screw stem (200) is a core component of a device used with a closed rubber-like socket (205) for mechanically sealing and unsealing the annular opening. The screw stem includes a tapered head portion (206) which is completely encased within the rubber socket (205). The neck portion (201) tapers outward to the screw stem body section (204) and provides a waist section between the tapered head portion (206) and the stem body section (204) for retaining the rubber-like socket (205). The key aspect as illustrated in this example, which clearly differentiates applicant's invention over those of the prior art presented, is that the tapered head portion is completely encased within the elastic socket and travels within and through the elastic socket when the threaded portion 202 is actuated by the turning apparatus.

Applicant again refers the Examiner to applicant's specification, specifically with reference to figures 7A and 7B, which illustrates a stopper assembly encompassing the components illustrated in figures 2A through 6B inserted into an annular opening, in the

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unactuated and actuated positions. The stopper assembly (700) is actuated by turning nut (600) which retracts stem (200) into the assembly causing the tapered portion to be urged against the rubber enclosure (304), the applied force aided by the angle of the tapered end expanding the elastic enclosure against the inner surface of the bottle opening (701).

Again, as in figures 2A and 2B, the key difference between this embodiment and the inventions of Permuy and Haigh, as is clearly shown in the figures, is that the tapered end portion (206) is completely encased within the elastic enclosure (304), even in the unactuated position, and travels within and through the rubber enclosure to affect the sealing action by urging the rubber enclosure outwards against the inner surface of the bottle neck opening (701). Applicant believes that this apparatus and its action are key and patentable aspects compared to the above prior art references, and an advantage to the user is provided because much less force is required in turning the nut to affect the sealing action, as compared to the inventions of Permuy and Haigh.

Applicant therefore firmly believes that claim 1 as amended and argued above is clearly and unarguably patentable over the references of Permuy and Haigh as cited and applied by the Examiner in his 102 rejections. Depending claims 2-8 and 10-13 are then patentable on their own merits, or at least as depended from a patentable claim.

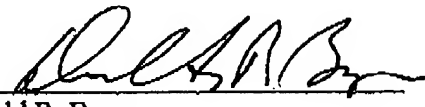
Regarding independent claims 1 and 9 the Examiner has further rejected the claims under as being unpatentable over Ljungberg in view of Condon or Turnwald, relying on Condon or Turnwald for teaching a nut attached to a retention housing and a screw stem body. However, as with the references of Permuy and Haigh, the primary reference of Ljungberg also clearly fails to teach that the elastic enclosure is fitted over the screw stem body, including the tapered head portion, as is now specifically recited in applicant's claim language and argued above by applicant. The apparatus of Ljungberg has a threaded stem (7) attached to a conical end (2) and a flared elastic jacket (6), but as with all of the remaining references presented by the Examiner, the conical end is not encased within the elastic jacket, and does not travel within and through the elastic jacket, as in applicant's invention and claims. Ljungberg therefore also fails as a primary reference as argued above by applicant regarding the remaining references, and fails in

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combination with the references of Condon for Turnwald to produce applicant's invention as is now recited in the independent claims. Claims 1 and 9 are therefore also clearly patentable over the combined references, and depending claims 2-4, 6, 7 and 10-13 are then patentable on their own merits, or at least as depended from patentable claim.

As all of the claims standing for examination have been shown to be patentable as amended and argued about my applicant over the art of record, applicant respectfully requests reconsideration, and that the present case be passed quickly to issue. If there are any time extensions needed beyond any extension specifically requested with this response, such extension of time is hereby requested. If there are any fees due beyond any fees paid with this amendment, authorization is given to deduct such fees from deposit account 50-0534.

Respectfully Submitted,  
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